



MINUTES
BOARD OF EQUAL RIGHTS COMMISSIONERS
June 21, 2017 at 2:30 P.M., City Hall, Room 303

Present:

Commissioner Chez Ordonez, Vice-Chair
Commissioner Tony Snell
Commissioner Mayhoua Moua

Absent:

Commissioner Jeffery Roman, Chair
Commissioner Sheila Ashley

Jessica Langill, Dept. of Administration
Patricia Ruiz-Cantu, Dept. Of Administration
Ben Roovers, City Attorney's Office
Rebecca Rabatin, DOA Budget & Management
James Carnell, Community Member
Shelley Gregory, Milwaukee LGBT Community Center

The meeting was called to order at 2:37 p.m. by Commissioner Ordonez

1. Approval of Minutes from May 17, 2017

Since there was no quorum, minutes could not be approved.

2. Upcoming Listening Sessions

Rebecca Rabatin (ADA Coordinator) requested that the listening session for the disability community be held in August instead of July, per the request of *IndependenceFirst*. The listening session for the disability community will be held at *IndependenceFirst* will be held on Wednesday, August 16th from 5-7pm (doors open at 4:30pm). Commissioner Ordonez suggested that the commission handle any business at the beginning of the meeting and then move into the listening session. Rebecca stated she would work on the flyer and would add the logos for all organizations involved. Rebecca also stated that there would be a request on the flyer to not wear perfume/cologne to the meeting and to smoke away from the building due to chemical sensitivities. Commissioner Snell brought up media and suggested that the commission leverage the city's PR. Rebecca also talked about other city employees that should be invited to the listening session. Commissioner Snell said all are welcome, but that we need to be careful that the event stays a listening session.

Commissioner Snell suggested that Jessica Langill put together a listening session report from the previous and upcoming listening sessions. He suggested that these reports are shared with the Mayor and Alders.

3. PrideFest and Jud Leg Meeting Update

Commissioner Snell stated that PrideFest 2017 was exciting and record breaking. He stated that he was able to introduce Commissioner Roman and the Equal Rights Commission during the opening ceremony. Commissioner Snell also participated at the rally on Sunday on behalf of the ERC. Jessica Langill also stated that the Mayor spoke during the opening ceremony and gave a Proclamation to Pride, by our request.

Jessica stated that she and Jeff had presented at the last Judiciary and Legislative committee meeting about the Equal Rights Commission. She said Jeff talked about what the ERC has been working on, including a brief discussion of the ordinance rewrite, and asked the committee to keep the ERC apprised of issues and events relating to equal rights. Jessica stated that the meeting went well and that there was not much feedback from the Alders.

4. Ordinance Rewrite Updated/Discussion

Commissioner Ordonez suggested that the commission send out the most recent draft of the ordinance rewrite to key community partners, requesting feedback. Jessica Langill said she would do that after the meeting, leaving time for the leaders to look it over before the next ERC meeting.

Due to not having quorum, the ERC was not able to vote on the most recent ordinance rewrite draft but opened it for discussion. Ben Roovers outlined the changes that were made to the most recent draft, including “genetic identity” and “homelessness” being added as protected classes (per Madison’s Equal Rights ordinance). He also stated that “amusement” was added to the public accommodation protection. Jessica Langill pointed out that the definitions for sexual orientation and gender identity was not changed per last month’s discussion.

Commissioner Ordonez asked if there was a way for the commission to see all of the changes that have been made. Ben Roovers stated he did not have a way of tracking changes in the past besides providing the commission with his own notes. He stated they would track any changes in the future.

Ben Roovers stated that 109-9 (page 6-11) had recently been added to spell out what an ordinance violation is defined as. Commissioner Ordonez stated he would like to know where Adam Wickersham had pulled this wording from.

Commissioner Ordonez suggested that the commission hold off until the next meeting to vote on the ordinance since 2 commissioners were out and a lot of new language was added. He suggested there be a call-in meeting with the subcommittee to discuss the changes and a special open commission meeting with quorum to vote on it after any changes are made. Date/time to be determined and noticed later.

Shelley Gregory shared that they used to be an employment attorney. Shelley stated that in section 109-9 (page 6) of the current draft that labor organizations and employment agencies should be added to the list of entities subject to employment nondiscrimination laws. Ben Roovers stated that those should be added to the definition of “persons.” Shelley also brought up page 9 of the current ordinance draft and talked about harassment/hostile workplace environments. Shelley suggested that harassment be outlined clearly in the ordinance.

James Carnell asked what could be done if a person was offered employment under the same conditions as everyone else in the company, but was told they must use their birth name instead of their chosen name (relating to individuals who have not gotten a legal name change). After much discussion it was agreed that the commission could take on a complaint like this but the complainant would need to prove the negative emotional impact this situation had on them and their employment experience. Ben Roovers stated this would be a highly facts specific inquiry, but that it could be actionable under the ERC ordinance. There could be a disparate impact claim filed in this situation. Shelley Gregory stated the investigation into a claim like this would have to focus heavily on how the employer requires all other employees to identify or fit it into a failure to hire case. Shelley stated these types of cases are very difficult.

Shelley Gregory asked to look at the exceptions section on page 10 of the ordinance draft. Shelley brought attention to the “religious freedom” exception and encouraged the commission to consider the breadth of the exception. Commissioner Ordonez stated he did not like the exception as it was written at all. Commissioner Ordonez asked why exceptions needed to be in the ordinance. Ben Roovers stated that as written the exceptions follow state law and do not create more of an exemption at the city level. Commissioner Ordonez proposed that the religious freedom exception be removed from the ordinance rewrite altogether to not give the appearance that religious organizations would have the right to deny social services to protected classes. Ben Roovers stated that section 109-9, section 2 (public accommodation) would provide protections to people looking to get public services from a religious organization.

Commissioner Ordonez requested that protections be mapped out to show who the ERC would cover and in what types of situations, and what would need to be referred out to state or federal. Commissioner Snell stated that should also be put on the website. Jessica Langill said she would work on that with Ben Roovers. Commissioner Ordonez also asked that there be a list of other actions the ERC can take to address issues that

may not be in the ERC's jurisdiction. He stated there needs to be a clear list of steps of the action the commission will take when a complaint received. Ben Roovers stated that the ERC needs to be careful when cases are referred to the state or federal to not take any action against a business or organization until a ruling comes through. James Carnell asked if the ERC could say that the city was not allowed to provide funding to any organizations that discriminate against a protected class. Ben Roovers stated those decisions would be up to CDBG, but Commissioner Ordonez stated that the ERC could provide CDBG with recommendations.

Commissioner Ordonez asked if the ERC's oversight over city departments was in the current draft of the ordinance rewrite. It was not in the current draft so Commissioner Ordonez requested that it be put back in to the next draft.

Jessica Langill stated that several Alders had asked about who would be investigating claims. Commissioner Ordonez stated that Alders have also been asking about fiscal notes and what it might cost to hire other staff to assist with investigations (capacity and process). After discussion it was decided that Jessica would reach out to peer cities and see what their equal rights offices/commissions do with investigations. Commissioner Ordonez asked that the ERC go through the peer city analysis at the next meeting.

5. Marketing Materials

Commissioner Ordonez stated that Jessica Langill had put together a quick ERC flyer to be used at any upcoming events. Commissioner Snell stated he had met with Jessica and they had decided to make the flyer as vague as possible, without any legal language. Commissioner Ordonez suggested that the ERC get a new logo to roll out with the new ordinance. Jessica suggested that she would go to the city graphic designer to come up with some ideas of future logos.

6. International Association of Official Human Rights Agencies-Membership & Conference

Commissioner Snell talked about the IAOHRA organization and suggested that the ERC become members and possibly attend the conference in Seattle in September. Since there was not quorum the commission could not vote on either suggestion, but Commissioner Ordonez and Snell expressed the desire to become members. Commissioner Snell stated it would cost \$250/year. Commissioner Ordonez asked Jessica to give Sharon an update on the desire to attend the conference or become a member. Commissioner Ordonez also asked for an update on the remaining budget at the next commission meeting.

7. Community Dialogue/Events

Commissioner Snell stated that he had been invited to do a presentation at the Mexican Consulate on Monday, July 17th. He invited other commissioners to attend and stated that he would be speaking on what the ERC will be able to do for the Hispanic/immigrant community. Commissioner Snell stated that Patricia and Jessica would be putting a PowerPoint presentation together and requested a meeting with Ben Roovers to talk about what protections the new ordinance might offer to this community. Ben Roovers stated he would be willing to advise about what can and should not be said during the presentation.

9. Next Meeting is Wednesday, June 21st. ERC will be involved at Pride June 9th.

10. Adjourn

Meeting adjourned at 4:39 p.m.

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